Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March

14, 2008 has been entered.

Drawings

The corrected drawings were received on January 15, 2008. These drawings are

accepted.

Response to Arguments

Applicant's arguments filed March 14, 2008 have been fully considered but they

are not persuasive. A discussion is provided below. Examiner notes that claim 7 is

cancelled by the applicants.

Midgley discloses per Col 6 line 59 – Col 7 line 4, "The system methods

described herein include a replication backup system that runs, optionally in parallel, a

synchronization replication process and a dynamic replication process. The

synchronization replication process creates a baseline image that replicates on a back

up server, data structures that have been selected by the user to be backed up and the

dynamic replication process monitors in real time file input/output calls associated with

these data structures, to thereby capture changes being made to these data structures
and making theses same changes to the replicated image of these files on the backup
server, to maintain the replicated data structure on the back up server as a mirror image
of the data on the computer network." Midley teach per Col 12 lines 53-Col 13 line 16,
along with above passage , that receipt of any data is limited on the associated server,
and transmission of data is limited to the backup server. Midgley discloses that any file
can be received or transmitted per Col 4 line 29-Col 5 line 3, "In another aspect, the
invention can be understood as a process for creating backup files for a plurality of data
files stored on a server on a computer network. The process may comprise selecting at
least one of the plurality of data files on the server as a source data file that is to be
replicated as a target data file on the backup server."

Radatti discloses per Col 2 line 62 - Col 3 line 4, "A workstation component,
located on a user's machine, scans code and rejects or filters out that code that is not
authorized--that lacks a certification identifier--by referencing the database. In preferred
embodiments, the database of authorized code is frequently updated. Additionally, the
database of authorized code may be disseminated throughout a system on a regular
basis so a local database may exist as well as the central database. These
embodiments are especially useful in a portable computer situation." Examiner notes
that code that is not authorized is interpreted as unverifiable, and rejects of filters out
that code that is not authorized is read as non-processable form"

To further add to the discussion of transmitting converting, transmit, to and store
in the second computer non-verified or non-verifiable data received by the first computer

only in non-processable form" Radatti discloses per Col 3 lines 20-29, "Moreover, in

other preferred embodiments, the validation process may encrypt the code in order to

insure another level of protection."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Midgley et al. – hereinafter Midgley (US 6,526,418) in view of Radatti et al. –

hereinafter Radatti (US 7,093,135).

As per claim 1, Midgley discloses a computer system connected to a data

communications network, comprising:

a first computer; (Col 4 line 29 – Col 5 line 3)

a second, redundant computer that is independent of the first computer;

wherein the first computer is configured to match with the second computer by

comparing a first work result of the first computer with a second work result of the

second computer; (Col 4 line 29 – Col 5 line 3; creating backup files for a plurality of

data files stored on a server on a computer network, may compare the image signal to

a corresponding image signal that is either stored or created on the backup server to

detect a change in the state of the data structure or in the state of a portion of the data

structure)

wherein receipt of any data from the data communications network is limited to

the first computer; (Col 4 line 29-Col 5 line 3, Col 6 line 59-Col 7 line 4)

wherein transmission of data to the data communications network is limited to

the second computer; (Col 4 line 29-Col 5 line 3, Col 6 line 59-Col 7 line 4)

wherein at least an initial processing of the data received from the data communications

network is limited to the first computer; and (Col 12 lines 22-52)

Midgley discloses wherein the first computer is configured to transmit and store

data in a second computer. (Col 12 line 53 – Col 13 line 16) Midgley fails to disclose

wherein the first computer is configured to convert, transmit to and store in the second

computer non-verified or non-verifiable data received by the first computer only in non-

processable form. Radatti discloses wherein the first computer is configured to convert,

transmit to and store in the second computer non-verified or non-verifiable data

received by the first computer only in non-processable form. (Col 2 line 62 – Col 3 line

4, Col 3 lines 20-29, Col 7 lines 10-35; prohibiting a user from deleting or editing

validated macros; prohibiting all macros from running; etc.)   At the time the invention

was made, it would have been obvious to a person of ordinary skill in the art to disclose

wherein the first computer is configured to transmit to and store in the second computer

non-verified or non-verifiable data received by the first computer only in non-

processable form in the disclosure of Midgley. The motivation for doing do would have

been to identify and secure code, as well as provide virus detection and code

authentication   (Col 2 lines 50-55)

As per claim 2, Midgley / Radatti disclose the computer system as claimed in

claim 1. Midgley fails to disclose wherein the first computer is configured to verify the

received data in the first computer, and wherein the first computer is configured to

supply only verified data to the second computer in processable form. Radatti discloses

wherein the first computer is configured to verify the received data in the first computer,

and wherein the first computer is configured to supply only verified data to the second

computer in processable form. (Col 7 lines 40-50; Virus macro removed, Probable virus

macro removed, Unauthorized macro removed)   At the time the invention was

made, it would have been obvious to a person of ordinary skill in the art to to verify the

received data in the first computer, and wherein the first computer is configured to

supply only verified data to the second computer in processable form in the disclosure

of Midgley. The motivation for doing do would have been to identify and secure code,

as well as provide virus detection and code authentication   (Col 2 lines 50-55) .

As per claim 3, Midgley / Radatti disclose the computer system as claimed in

claim 1. Midgley disclose wherein the first computer and the second computer are

configured to independently verify the received data, and wherein only matching verified

data are stored in the second computer in processable form. (Col 12 line 53 – Col 13

line 15; the back up system may compare the source files metadata and, may compare

its contents)

As per claim 4, Midgley / Radatti disclose the computer system as claimed in

claim 1. Midgley discloses further comprising: a central data memory, wherein direct

access to internal data of the computer system contained in a central data memory is

limited to the second computer; and wherein the first computer is configured to receive

the internal data only upon request via the second computer. (Col 4 line 29-Col 5 line

20, Col 6 lines 1-21)

As per claim 6, Midgley discloses a method, comprising: in a first computer,

classifying data received from a data communications network as verified data and non-

verified data, and producing a first work result representing the verified data;

in the second computer, independently verifying the verified data forwarded from the

first computer and producing a second work result based on the independent

verification; comparing the first work result with the second work result; and if the

first work result and the second work result match, storing the verified data in the

second computer. (Col 4 line 29 – Col 5 line 3; creating backup files for a plurality of

data files stored on a server on a computer network, may compare the image signal

to a corresponding image signal that is either stored or created on the backup server

to detect a change in the state of the data structure or in the state of a portion of the

data structure)

wherein receipt of any data from the data communication network is limited to the first computer and wherein transmission of any data to the communications network is limited to the second computer. (Col 12 line 53 – Col 13 line 16)

Midgley fails to disclose converting the non-verified data into a non-processable form by the first computer; forwarding the verified data in processable form and the non-verified data in the non-processable form from the first computer to a second computer. Radatti converting the non-verified data into a non-processable form by the first computer; forwarding the verified data in processable form and the non-verified data in the non-processable form from the first computer to a second computer (Col 2 line 62 - Col 3 line 4, Col 3 lines 20-29, Col 7 lines 10-50; prohibiting a user from deleting or editing validated macros; prohibiting all macros from running; etc.; Virus macro removed, Probable virus macro removed, Unauthorized macro removed) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose discloses forwarding the verified data in processable form and the non-verified data in non-processable form from the first computer to a second computer in the disclosure of Midgley. The motivation for doing do would have been to identify and secure code, as well as provide virus detection and code authentication   (Col 2 lines 50-55).

As per claim 8, Midgley / Radatti disclose the method of claim 6. Midgley discloses wherein only the second computer directly accesses internal data contained in a central data memory, and wherein the first computer indirectly accesses the internal

data only upon request via the second computer. (Col 4 line 29 – Col 5 line 3,Col 18

lines 29-48)

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Midgley et al. – hereinafter Midgley (US 6,526,418) / Radatti et al. – hereinafter Radatti

(US 7,093,135) in view of Mosher, Jr. et al. – hereinafter Mosher, Jr. (US 5,799,323)

As per claims 5 and 9, Midgley / Radatti disclose the computer system as

claimed in claim 1. Midgley fails to disclose further comprising:

an independent, redundant third computer; and wherein the second computer is

configured to match with the third computer by comparing the second work result of the

second computer with a third work result of the third computer. Mosher Jr. discloses an

independent, redundant third computer; and wherein the second computer is configured

to match with the third computer by comparing the second work result of the second

computer with a third work result of the third computer. (Col 26 lines 6-26)   At the

time the invention was made, it would have been obvious to a person of ordinary skill in

the art to an independent, redundant third computer; and wherein the second computer

is configured to match with the third computer by comparing the second work result of

the second computer with a third work result of the third computer. Mosher Jr. discloses

an independent, redundant third computer; and wherein the second computer is

configured to match with the third computer by comparing the second work result of the

second computer with a third work result of the third computer in the disclosure of

Midgley. The motivation for doing do would have been to provide triple contingency

protection in the rare event of a primary system failure (Col 3 lines 10-22)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag R Patel whose telephone number is (571)272-

7966. The examiner can normally be reached on Monday to Friday from 7:30AM to

4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

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(toll free).
        /C. R. P./
Examiner, Art Unit 2141

                                            /Jason D Cardone/
                                  Supervisory Patent Examiner, Art Unit 2145